

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

JANA WILKINS,

Plaintiff,

v.

FINANCIAL MARKET SOLUTIONS, INC.,
a Washington Corporation; Ed Laine, Claudia
Laine, the marital community of Ed Laine and
Claudia Laine; Robert Scott Wilson, Ceri
Wilson, and the marital community of Robert
Scott and Ceri Wilson,

Defendants

) Case No.: C02-977C

) FINDINGS OF FACT AND CONCLUSIONS
) OF LAW

This matter was tried by the court, without a jury, on April 12-13, 2005. Plaintiff sought unpaid wages from defendants Ed Laine and Robert Scott Wilson. The court entered judgment for defendants at the close of trial. Plaintiff was represented by James W. Allen and J. Gary Nece of Nece Allen, L.L.P.; defendants Laine were represented by Melissa Huelsman of the Law Offices of Melissa Huelsman; defendants Wilson were represented by Michael Patrick McGinn of Stokes Lawrence, P.S.

The court heard testimony from Jana Wilkins, Ed Laine, Robert Scott Wilson, and Anthony Elliott and received documentary evidence from all parties. Having considered the evidence received, and having heard the arguments of counsel, the court enters the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Plaintiff and defendants Ed Laine and Robert Scott Wilson are former employees of Financial Market Solutions (“FMS”). FMS is no longer a defendant in this matter.
2. Mr. Laine and Mr. Wilson held management positions at FMS and were, at some times, officers of the company.
3. Mr. Eyup Saltik, not a party to this case, was the chief executive officer of FMS at all times relevant to the claims in this case. Mr. Saltik, at all relevant times, had authority and power over the payment of wages to plaintiff.
4. Mr. Saltik made the decisions regarding payment of wages at FMS, including the decision to withhold pay from plaintiff.
5. Plaintiff was not paid her full contracted wages after April 2001 and was not paid at all for her work after May 2001.
6. Neither Mr. Laine nor Mr. Wilson had authority and/or power to control the payment of wages to Ms. Wilkins during the period that she was unpaid. During that period, the authority and/or power to control the payment of wages at FMS was vested in Eyup Saltik.

CONCLUSIONS OF LAW

1. Ms. Wilkins was an employee of FMS and entitled to be paid her contracted wages and those wages mandated by law.
2. Mr. Wilson and Mr. Laine, however, were not "employers" of Ms. Wilkins within the meaning of the Fair Labor Standards Act, 29 U.S.C. Sec. 203, and cannot be liable to Ms. Wilkins for unpaid wages under that Act.

